

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Dana Goins,
Petitioner

vs

Case No. 1:01cv185
(Weber, J.)

Mark Sanders,
Respondent

ORDER

On July 23, 2004, this Court denied petitioner's motion to reopen his habeas corpus action which the Court had previously dismissed as barred from review under the one year statute of limitations set forth in 28 U.S. C. § 2244(d). (Doc. 41). Petitioner filed a notice of appeal on September 1, 2004. (Doc. 45). This matter is before the Court on petitioner's motion for appointment of appellate counsel and petitioner's motion for leave to appeal *in forma pauperis*. (Docs. 49, 50).

In order to grant *in forma pauperis* status on appeal, this court must certify that the appeal of the Order denying the reopening of this case would be taken in "good faith," and petitioner must demonstrate financial necessity. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997). Petitioner has provided proof of his financial eligibility for indigent

status, including a statement from the cashier at his institution regarding his institutional account and a detailed statement of his financial situation. (Doc. 50). This Court certifies that an appeal of the Order denying reopening would be taken in good faith. Accordingly, petitioner's motion for leave to appeal *in forma pauperis* (Doc. 50) is GRANTED.

18 U.S.C. § 3006A(1)(2) provides:

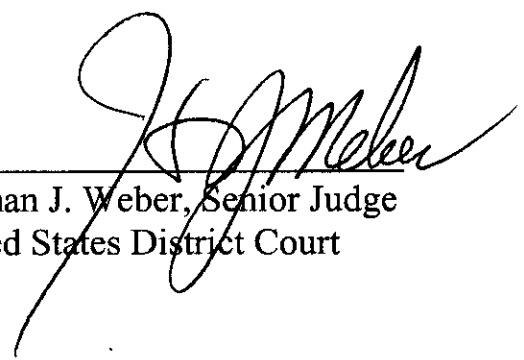
Whenever the United States magistrate or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who--

(B) is seeking relief under section 2241, 2254, or 2255 of title 28.

Since a good faith basis for pursuing this appeal exists and this Court has issued a certificate of appealability (*see* Doc. 48), this Court further determines that the interests of justice require that counsel be appointed to represent petitioner in his appeal. Accordingly, petitioner's motion for appointment of counsel (Doc. 49) is GRANTED.

IT IS SO ORDERED.

Date: 11/4/04


Herman J. Weber, Senior Judge
United States District Court

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